

PUBLIC HEARING MINUTES



MINUTES OF THE DEVELOPMENT REVIEW COMMISSION MAY 22, 2012

Harry E. Mitchell Government Center
Tempe City Hall - City Council Chambers
31 E. 5th Street, Tempe, AZ 85281
6:00 PM (5:30 Study Session)

Commission Present:

Mike DiDomenico, Chair
Dennis Webb, Vice Chair
Monica Attridge
Tom Oteri
Paul Kent
Kolby Granville
Dave Maza

Commission Absent:

Peggy Tinsley
Nick Miner
Jim Delton

City Staff Present

Lisa Collins, Interim Community Development Director
Steve Abrahamson, Planning & Zoning Coordinator
Kevin O'Melia, Senior Planner
Lisa Novia, Administrative Asst. II

Chair DiDomenico called the meeting to order at 6:00 p.m., which included the introduction of the Commission and City staff. It had been determined that Item No. 3, the request to continue Case De Smith, could be placed on the Consent Agenda.

On a motion by Commissioner Kent and seconded by Commissioner Maza, the Commission with a vote of 7-0 approved the minutes of April 24th and May 8 and approved the continuance of Casa De Smith to the June 12th meeting.

CONSENT AGENDA

1. **CONSIDERATION OF MEETING MINUTES: 4/24/12 & 5/8/12 - APPROVED**

3. Request an appeal of **CASA DE SMITH (PL120053)** (W. Brent Armstrong, ISOS Architecture, Dave Smith, property owner) located at 1724 S. Ventura Drive in the R1-6, Single Family Residential District for:

UPA12021 (ZUP12021) – Use Permit standard to reduce the rear yard setback by twenty percent (20%) from 15 feet to 12 feet (as measured from midpoint of alley).

UPA12007 (ZUP12022) – Use Permit to allow a second story addition

UPA12008 (ZUP12023) – Use Permit to increase the allowable wall height within the front yard setback from 4' to 6'

THIS CASE CONTINUED TO THE JUNE 12, 2012 MEETING

REGULAR AGENDA

2. Request for **ASH PROPERTY RESURRECTION (PL110362)** (Irene Menting, Ash Property Resurrection LLC, property owner; James Hann, James Hann Design A.I.A., applicant) consisting of a residential community of seven units contained in four buildings including an existing one-story freestanding unit (1,288 sf.), two proposed two-story freestanding units (1,346 sf. and 2,368 sf.) and a two-story building including four units (10,334 sf.), all on +/-0.46 net acres, located at 959 South Ash Avenue in the R-3, Multi-Family Residential Limited District. The request includes the following:

~~ZUP12004—Use Permit Standard to increase by ten (10) percent the maximum allowable building height from thirty (30) feet to thirty three (33) feet.~~ **Request withdrawn by applicant.**

ZUP12005 – Use Permit to allow tandem parking.

DPR12002– Development Plan Review including site plan, building elevations, and landscape plan.

THIS CASE WAS CONTINUED FROM THE MARCH 27TH AND APRIL 24TH MEETINGS

STAFF REPORT: [DRCr AshAvenueResurrection_052212](#)

This case was presented by Kevin O'Melia and represented by Wendy Riddell, Barry and Damore, representing the applicant and developer.

Mr. O'Melia gave a brief presentation of the revised seven unit project. The site plan includes one existing building, two new freestanding buildings facing Ash Avenue, and one building with four units on the rear of the property. Each of the new buildings is two-story and the existing building is one story. Difference in the current (5/22) submittal from the previous (3/27) courtyard submittal include the following. The project was eight units and is now seven. Lot coverage is now 49% but was 44% in the courtyard design. Landscape coverage at this time is 28% which is down from the previous courtyard design of 39%. The maximum height of the building in the rear is now 30 ft., as opposed to 33 ft. as previously presented. Two stories are provided instead of three. The earlier 3/27 plan required 19 parking spaces and provided 19, including heavy reliance of tandem parking off alley and off Ash. The current 5/22 plan required 18 parking spaces and a total of 20 are provided, including a total of 6 tandem parking spaces that are accessed from Ash. The 14 spaces that are accessed from the alley are not tandem.

Ms. Riddell gave a brief presentation. She indicated that the current zoning is reflective of what is called for in the General Plan and that this development meets the development standards in the Zoning and Development Code for R-3 zoning. Ms. Riddell indicated that there is no longer a request for a Use Permit to increase the allowable building height by 10% to 33 ft. Ms. Riddell also stated that the concerns from the previous design were in regards to height, number of stories, tandem parking behind garages and combination of existing lots into one lot. These issues have been considered in the revised design as follows. The revised design features reduced building height, two stories instead of three, eliminated tandem parking from the alley and placed three single units along street with landscaping in between each unit. A lot combination will still be required.

Ms. Riddell reviewed the Zoning and Development Code Use Permit criteria for tandem parking. Ms. Riddell presented an exhibit that demonstrated the widespread use of tandem parking throughout the Maple Ash neighborhood.

Ms. Riddell also presented a petition with 23 signatures in favor of the project and 15 letters of support.

Commissioner Granville asked if the developer would be agreeable to a condition of approval which addressed consanguinity, which would keep the number of unrelated people living in a unit to three or less? Staff gave a copy of the Zoning and Development Code “family” definition and the consanguinity chart to Ms. Riddell.

Chair DiDomenico observed that parking is put to more use for a development when people are unrelated and live together.

Vice Chair Webb asked about rent and the range of rent anticipated (see below—following public input—regarding the existing Unit G rent and anticipated rents).

Commissioner Oteri observed the 3 ft. building height reduction is small compared to the removal of one story. Ms. Riddell responded that ceiling height and the roof pitch are more generous in the revised design. Commissioner Oteri responded that the issue of building massing needs to be addressed.

Chair DiDomenico opened the hearing to public input.

Mr. Mark Beauchene spoke in support of the project on behalf of the Tempe First United Methodist Church and submitted a letter of support from Pastor David Summers.

Mr. Bill Bunger spoke in support of the project. Agree with parking layout as currently presented. Note the Maple Ash neighborhood is not a historical district. Support project 100%. Had issues with previous design but these have been resolved in the design as currently presented.

Mr. Larry Mishler spoke in support of the project. The addition of luxury apartments upgrades the entire area.

Ms. Virginia Sandstedt spoke and made several observations, but concluded with opposition to the project. The parking layout with lessened reliance on tandem parking is good. The site plan modification with the addition of a third house in front facing Ash Avenue, as good. The massive size of the building in the rear is bad.

Ms. Jill Allen spoke in opposition of the project. Lack of parking is a major problem in the neighborhood. The addition of this project will increase that problem. The increase in traffic will create a safety hazard. The density being allowed in this neighborhood is ruining the neighborhood. The project is too dense and will create too much traffic.

Commissioner Oteri asked if Ms. Allen lives in the project vicinity. Ms. Allen indicated she lives directly west of the project site.

Commissioner Kent asked Ms. Allen about parking near her residence. Ms. Allen indicated parking is “anywhere they can” and that there generally is not enough parking available.

Commissioner Attridge asked Ms. Allen about guest parking. Ms. Allen indicated that she makes accommodations for parking when guests arrive.

Commissioner Oteri asked about the number of stories of her residence. Ms. Allen indicated that her residence has two stories plus a basement.

Ms. Karyn Gitlis, speaking on behalf of the Maple Ash Neighborhood Association (M.A.N.A.), spoke in opposition of the project (a letter from M.A.N.A. previously was presented to the Commission). Points of opposition include the following. The project is too dense—a six unit project would more suitably fit this site and blend with the character of the neighborhood. The massive rear building must be broken up so there are landscaped view corridors front to back through the site along the lot lines of the historic subdivision plat, which is also in character with the relation of buildings and landscape seen throughout the neighborhood. Parking quantity in practice is inadequate for seven apartments, especially when considering the amount of bedrooms. The amount of bedrooms has not been reduced from the previous design despite the reduction of one unit. The front unit that has been added is boxy and too tall (at 26 ft.) and should be shortened to approximately 16 ft. to blend with the frontages of other houses on Ash. There is an inadequate site design provision for the rear units for recycling container storage and a pathway for recycling container access to Ash.

Chair DiDomenico and Ms. Gitlis discussed how M.A.N.A. reviews cases and arrive at decisions concerning these cases. Ms. Gitlis emphasized that M.A.N.A. meets monthly and that this is an effort by a group that are elected to their positions.

Commissioner Attridge asked if M.A.N.A. is in favor of any multi-family developments. Ms. Gitlis indicated that M.A.N.A. supported the Pyle house redevelopment at 1120 S. Ash and it proved to be a disaster.

Commissioner Kent asked about the creation of the letter from M.A.N.A. that was presented to the Commission. Ms. Gitlis explained that points from the M.A.N.A. May meeting concerning this project were collected and presented in the letter.

Vice Chair Webb asked how many persons attended the M.A.N.A. meeting, if there is a vote, and if minutes are prepared? Ms. Gitlis indicated there were ten persons in attendance, a vote is not taken but points are reached by consensus, and minutes are kept for the meetings.

Vice Chair Webb asked if M.A.N.A. is somewhat anti-density with regard to the neighborhood. Ms. Gitlis indicated that M.A.N.A. can be considered anti-density where proposed density is too high. Ms. Gitlis considers a six unit solution with maximum 40% lot cover and view corridors may be agreeable on this site. The view corridors would be from front to back and can be used for landscape and pathways. Ms. Gitlis emphasized with regard to density that the neighborhood is on the brink of going one project too far, following which the character of the neighborhood would be ruined.

Mr. Vic Mathis spoke in opposition of the project. Mr. Mathis indicated he lives two lots north of the project site. The proposed “McFrat” house does not fit the older historic neighborhood. These “units” are apartments. Renters do not make good neighbors. My property and the whole neighborhood will be devalued.

Mr. Tom Allen spoke in opposition of the project. The developers are great people. Commission needs to make sure the project is legal to fit (the zoning district) but must also reasonably fit the neighborhood. Mr. Allen lives in Ash Court. There is too little parking available in the neighborhood. Renters do create more parking. Where are the storage units? Will garages become storage lockers? There are too many bedrooms. The site is either building or parking. Density was the issue in the previous hearing and has not been addressed with the revised proposal. Consider one house in front and one house in back on each of the three lots.

Mr. Steve Tseffos spoke in support of the project. Has rehabilitated homes and is an owner of properties in the Maple-Ash neighborhood and is the developer of Ash Court. Ash Court is an example of successful infill. By contrast, 1120 South Ash including the Pyle House renovation does not fit the character of the neighborhood. Ash Property Resurrection is a good looking project but the real issue is density. This project is not too dense for the neighborhood. The project is a fit to the R-3 density that exists north of 10th Street and should be approved. Tandem parking exists at Ash Court and elsewhere and always finds its natural flow. Lot ties are not an issue for the Commission but should be reviewed and debated by elected officials.

Mr. Rick D. Hondorp, speaking on behalf of Sienna Court Lofts HOA, spoke in opposition to the project. Mr. Hondorp is concerned with the total quality of the project and cited the lack of coordination between the preliminary grading and drainage plan and the site plan, where six parking spaces are indicated in water retention basins. Mr. Hondorp questions the ability of staff to adequately manage the required design coordination. Mr. Hondorp emphasized that this lack of design coordination must be refined and corrected prior to approval of the development plan review or the proposal should be continued until this is done.

Summary: Four citizens spoke in support of the project and Chair DiDomenico read one letter of support into the record. Six citizens spoke in opposition of the project. Concerns regarding the project centered on building mass, maintenance, residential density, parking burden and increased traffic.

Chair DiDomenico closed the hearing to public input and invited Ms. Riddell to return to the podium.

Ms. Riddell emphasized that this is not a zoning case. Approvals for Use Permit and Development Plan Review are sought. Tandem parking is the norm in the neighborhood. The development complies with the Development Standards of the Zoning and Development Code.

Chair DiDomenico asked regarding what controls that would be in place to manage the project. Ms. Riddell indicated that the owner would be willing to include a condition of approval to limit the number of unrelated persons sharing an individual unit in the development. Ms. Riddell stated that the maintenance of property would be handled with a property management company that will oversee the property. Additionally, the property will be owner occupied which provides a further layer of control.

Ms. Riddell indicated the rent for the existing unit (unit G) is \$1,375.00/month and the other units will be higher.

Ms. Riddell acknowledged that the grading and drainage plan will require some modification to comply with engineering standards and the conditions of approval.

Commissioner Oteri and Chair DiDomenico returned to the height reduction of the rear building. Ms. Riddell compared the site section drawings of the discarded three story concept at 33 ft. and the current two story concept at 30 ft. to demonstrate the broad roof pitch of the two story concept with an overall height reduction of the rear building to 30 ft. It is noted that 30 ft. is allowed by the R-3 district. A substantial attic is provided in the current two story concept. The attic is not anticipated for storage use. Per Ms. Riddell, the architect indicates that each unit does have storage and closet space.

Commissioner Kent asked if flood irrigation would be retained on site and Ms. Riddell indicated that it would be.

Chair DiDomenico and Mr. O'Melia discussed grading and drainage. Mr. O'Melia explained that the preliminary G+D concept was reviewed by C.O.T. staff engineer when it was submitted and preliminary engineering comments are included in the Code-Ordinance bullets of the staff report. Condition 15 (parking space-retention coordination), Condition 16 (no retention near tree at NWC if site) and Condition 35 (define and coordinate flood irrigation and site retention areas) also address the design revisions required for the grading and drainage site solution. Mr. O'Melia noted that a subsurface retention structure may be considered by the architect and civil engineer to resolve these issues within the confines of the site.

Chair DiDomenico, Vice Chair Webb and Mr. O'Melia discussed refuse and recycling pick up for the project. Refuse pick-up will continue to be made in the alley. Recycling pick-up will be made utilizing blue roll out cans that are picked up on Ash. Chair DiDomenico questioned if recycling is viable for a multi-family complex. Mr. O'Melia considered it is viable for a project of seven units. Vice Chair Webb asked where the blue containers would be stored on site. Mr. O'Melia indicated that each of the five units with a garage would house its own can there and the two units without garages would store the cans on their rear porches. Mr. O'Melia also noted that a paved pathway is required between Ash and the units in the rear building which may also be utilized to transport the blue cans on collection days.

On a motion by Commissioner Granville and seconded by Commissioner Kent, the Commission with a vote of 5-2 (Vice Chair Webb and Commissioner Attridge opposed) approved the Use Permit and Development Plan Review, with an added Condition of Approval to include the stipulation that consanguinity rules apply to this development. Mr. O'Melia read the added condition (#42) into the record.

4. Request for **CVS PHARMACY # 9205 (PL100186)** (Michael D. De Nitto, CVS/Realty Company, property owner; Christopher Czyz, Armstrong Development Properties, applicant) consisting of a request to remove two (2) conditions of approval of a previous application (DPR07072 # 5 and # 7) and allow vehicular access between the CVS parking lot and the adjacent public alley. CVS # 9205 is located on +/-0.94 acres at 802 South Mill Avenue in the CC, City Center District. The request includes the following:

DPR12046 – Development Plan Review for a site and landscape plan modification including removal of condition # 5 and condition # 7 of DPR07072.

STAFF REPORT: [DRCr CVS_052212](#)

This case was presented by Kevin O'Melia and represented by Adam Baugh, Esq., Withey Morris, applicant. Chair DiDomenico indicated that if the applicant is aware of issues that Ms. Gitlis and the adjacent property owner, Mr. Oertle, have then it might be best to direct the presentation towards their concerns.

Mr. Baugh stated that if they have concerns that have not been addressed, he would prefer to hear from them first so he can best address them.

Mr. Baugh was asked to address the applicant's concern in regards to Condition of Approval No. 2 (change residential trash pickup from alley to curb side). He indicated that one of the main concerns was the first sentence that stated "subject to approval of the property owners of residences on this block". He indicated that the purpose of the public hearing is to procure the ability to use this alley for CVS customer vehicles and he is concerned that there is a possibility to be held "hostage" by a property owner who has an issue. He doesn't wish to enter into a third-party agreement with the neighbors. He also indicated that he is unaware of any of the property owners having an issue and if they are not here this evening and they have not heard from them, he feels the project should move forward. He stated that he feels this is a win-win situation, as CVS will get the access they need, alleys will be improved, vehicular traffic in the east/west alley will be cut off while maintaining pedestrian access and finally, the residential trash will be moved from the alley to the residential curb side where there can be more eyes on it.

Chair DiDomenico opened the hearing to public input.

Karen Gitlis spoke on behalf of the Maple Ash Neighborhood Association (MANA) in support of this case.

Chair DiDomenico asked Ms. Gitlis if any of the property owners had indicated they were opposed to curb side refuse pick up at this location. Ms. Gitlis indicated that the owners of the adjacent properties and City staff had a meeting approximately one year prior and that was one of the items that curb side refuse pick up 444 had been brought up and no one appeared to have any concern at that time.

Kent Oertle, adjacent property owner, spoke in support of this case and indicated that CVS and Chase Bank are both assets to the neighborhood. He also indicated that he is in support of the east/west alley being abandoned rather than just being closed to vehicles.

Mr. Baugh returned to the podium. He reiterated that he has seen no objection with moving forward and would like to see the first sentence in Condition No. 2 removed.

Chair DiDomenico closed the hearing to public input.

There was some discussion between the Commission and staff as to who has the authority/responsibility to verify change in refuse pick up is coordinated between solid waste and the neighbors. Staff maintains that CVS must contact and obtain consent of the residential owners on this block prior to a change to their refuse pickup service.

On a motion by Commissioner Maza and seconded by Commissioner Granville, the Commission with a vote of 7-0, approved this Development Plan Review with the modification of Condition No. 2.

5. ANNOUNCEMENTS

Chair DiDomenico announced that the next meeting would be June 12, 2012 and that would be Commissioner Granville's last meeting as he is now Councilmember-Elect Granville.

The meeting was adjourned at 8:25 p.m.

Prepared by: Lisa Novia, Administrative Assistant II

Reviewed by: Lisa Collins, Interim Director Community Development Department

A handwritten signature in black ink, appearing to read "Lisa Collins", written in a cursive style.

Lisa Collins, Interim Director, Community Development Department